

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (CINCINNATI)**

JOHN V. LITTIG

Plaintiff,

vs.

SUN COMMUNITIES, INC.

Defendant.

Case No. 1:20-cv-00727

Judge Michael R. Barrett

**AMENDED COMPLAINT**

Now comes the Plaintiff, John V. Littig, by and through counsel, and hereby states as follows for his Amended Complaint against Defendant, Sun Communities, Inc.:

**FIRST CLAIM**

1. Plaintiff, John V. Littig, owner of the manufactured home located at 2191 E. Ohio Pike in Amelia, Ohio, rents the lot on which his home sits in Apple Creek Park which is owned by Defendant, Sun Communities, Inc.

2. On or about May 23, 2020, a large dead tree fell on Plaintiff's home causing injuries and damages.

3. Plaintiff was inside the home at the time the tree fell and narrowly missed being hit by the tree thus escaping injury or death.

4. Plaintiff suffered severe emotional distress and anxiety.

5. Plaintiff's home was destroyed forcing Plaintiff to move out and seek other housing.

6. Plaintiff suffered loss of personal property, missed time from work, moving and storage expenses, lot rent, travel, attorney fees, and other expenses.

7. Sun and its park manager, maintenance man, and others knew of the dead tree and its dangerous and hazardous condition.

8. Plaintiff and other residents warned Sun by notifying their agents of the dangerous condition of the tree.

9. Residents have said that the tree was dead and dangerous before Plaintiff moved into his home in 2018.

10. Plaintiff was told that the tree would be removed by Sun but it never was.

11. Sun was negligent in not removing the tree before it fell.

12. The failure to remove the tree was reckless, willful, and intentional.

13. Defendant Sun should be ordered to pay damages, punitive damages, and attorney fees.

### **SECOND CLAIM**

14. Sun had a lease with Plaintiff and owed a duty of quiet, safe enjoyment of the premises, and is obligated to pay Plaintiff for his damages under the terms of the lease.

15. Under the terms of the lease, rent is to be suspended in the event of casualty loss.

16. Defendant Sun has breached the lease and its duties thereunder.

17. Sun owes Plaintiff for his casualty losses, the fair market value of the home, personal property damage, and other losses.

### **THIRD CLAIM**

18. Plaintiff was a resident of Apple Creek Park.

19. Sun provides maintenance, utilities, grounds care, landscaping, security, and other services to its residents.

20. Residents of Apple Creek Park rely on and pay Sun for a safe and well maintained lot and park.

21. Apple Creek has a park manager, maintenance staff, and other employees and contractors.

22. Sun's employees at Apple Creek knew the tree was dead and dangerous before it fell.

23. They knew that it destroyed Plaintiff's home.

24. They knew that the fallen tree needed to be removed from Plaintiff's home.

25. No employee, agent, or representative of Apple Creek offered to help Plaintiff remove the fallen tree or pay for his damages.

26. Such failure to act on the part of Sun and its agents is unfair, fraudulent, and unconscionable.

27. Sun's failure to act and honor its duties amounts to intentional fraud and deception, and Sun is liable for damages for fraud and attorney fees.

WHEREFORE, Plaintiff, John V. Littig, hereby demands judgment against Defendant, Sun Communities, Inc. for compensatory damages, punitive damages, and reasonable attorney fees in an amount in excess of \$25,000, but less than \$75,000, exclusive of interest and costs.

Respectfully submitted,

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**Attorney for Plaintiff**

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon all registered ECF participants through the Court's electronic case filing system on September 30, 2020 to include:

David G. Kern, Esq.  
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**Attorney for Defendant**

/s/ Michael A. Galasso  
Michael A. Galasso

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<sup>1</sup> By Michael A. Galasso per authorization.